



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 2, 2004

Date of Meeting: April 26, 2004

The Mayor and Council of the city of Tucson met in regular session, in the Tucson Convention Center Ballroom, 260 S. Church Avenue, Tucson, Arizona, at 5:30 p.m., on Monday, April 26, 2004, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Ronstadt and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Mayor Pro Tempore Ward 6

Absent/Excused:

Robert E. Walkup, Mayor

Staff Members Present:

James Keene
Mike Letcher
Michael House
Kathleen S. Detrick

City Manager
Deputy City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Bill Kemmeries, Jr., Shalom Mennonite Fellowship, after which the pledge of allegiance was led by Council Member Scott and students from the Desert Willow Freedom Choir.

Presentations

- (a) Mayor Pro Tempore Ronstadt introduced Bob Jones, Chairman of the Tucson Gem and Mineral Show.

Mr. Jones presented the mayor and council copies of the book *Fifty Years of Tucson Gem and Mineral Show History*. He said this year's Tucson Gem and Mineral Show was the greatest show that they have had in fifty years. He said the attendance was up. Everyone was excited about what went on. They had some marvelous exhibits, including the Gadsden Purchase Treaty document, which they were able to obtain from the national archives. He said that was a significant move, with the help of the Historical Society.

- (b) Mayor Pro Tempore Ronstadt presented certificates to students from the University of Arizona's International Student Programs Office, assisted by Norma Lopez.

Ms. Lopez stated that the Mayor's Award Program was sponsored by the University of Arizona International Student Programs and Services and International Friends. The Tucson Mayor's Award Program honors international students for their participation in the life of Tucson, while they are students at the university, apart from academics.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Ronstadt announced that city manager's communication number 195, dated April 26, 2004, would be received into and made a part of the record. He also announced that this was the time scheduled for any member of the council to report on current events and asked if there were any reports.

- (a) Council Member West announced that the ward two council office would be holding a town hall on the county bonds, this Saturday, May 1st. She invited everyone who was interested to attend.
- (b) Council Member West also reported on a tour she took of the "talk of the town" building. She found the tour to be invaluable and hoped that other council members would also take the tour. She felt that if the city was concerned about the building's preservation, they should have acted on it in 1976. There were only two walls in that building that were significant. She concurred with the historical commission that they should review the findings from 2001, but urged the council and the community to focus on the Fox Theatre, the Thrifty drug store, the Broy Place building, and buildings that could truly be saved that were magnificent.
- (c) Mayor Pro Tempore Ronstadt announced that Dining Out For Safety would be held on Wednesday, April 28. This event sponsors the Center Against Sexual Assault and 20 percent of the proceeds for all the meals in the participating restaurants would go to the center. A list of the participating restaurants could be found at "dineoutforsafety.org."

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Ronstadt announced that city manager's communication number 196, dated April 26, 2004, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events and asked for that report.

- (a) James Keene, city manager, distributed copies of the "Summer 2004 Youth Booklet" listing youth employment, volunteer opportunities and activities for youth in the city of Tucson and Pima County. This publication was a joint venture of the Department of Neighborhood Resources, Pima County Community Services and "YO!" (Youth Opportunity!). The publication has been sent to the council offices for distribution. He also announced that people in the community who wanted to find out more about opportunities for youth in the city and Pima County this summer could get copies of the booklet at city parks and recreation sites, library branches, Tucson water and city hall. It would be distributed to area high schools by Pima County Community Services. Further information could be obtained at the department of neighborhood resources, 791-4605. The text for the whole booklet could also be found on the city's website, which was www.tucsonaz.gov.
- (b) Mr. Keene announced that there would be a public meeting at Columbus Park, on Saturday, May 1, 2004, at 9:00 a.m. He said that all interested members of the public would have an opportunity to voice their opinions about the proposed park development, which was planned to be funded with pima county bonds that the voters approved in 1997. Notices have been mailed to people living within a five-mile radius of the park and a press release has been issued to ensure a good turnout at the meeting. Staff from Tucson parks and recreation, as well as pima county natural resources and pima county parks and recreation would be there. The meeting would be facilitated by Frieda Johnson of Rillito Consulting. Mr. Keene added that in the extreme event that it rained, the meeting would be moved to El Rio Neighborhood Center on West Speedway.

5. LIQUOR LICENSE APPLICATION(S)

Mayor Pro Tempore Ronstadt announced that city manager's communication number 193, dated April 26, 2004, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

(b) New License(s)

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| <p>(1) SAUCE PIZZA AND WINE
5285 E. Broadway Blvd. Suite A
Applicant: Samuel W. Fox
City #016-04, located in Ward 6
Series 12
Action must be taken by: May 6, 2004</p> | <p><u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance</p> |
| <p>(2) BANGKOK CAFE
2511 E. Speedway Blvd.
Applicant: Adej Chotichuti
City #017-04, located in Ward 6
Series 12
Action must be taken by: May 9, 2004</p> | <p><u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance</p> |

(c) Special Event(s)

- | | |
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| (1) TANQUE VERDE SCHOOLS EDUCATION
ENRICHMENT FOUNDATION
2454 N. Woodland Road
Applicant: Dorthea A. Jones
City #T042-04, located in Ward 2
Date of Event: May 7, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) CATHOLIC FOUNDATION FOR
THE DIOCESE OF TUCSON
181 W. Broadway Blvd.
Applicant: Martin Camacho
City #T043-04, located in Ward 6
Date of Event: May 7, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T044-04, located in Ward 1
Date of Event: May 7, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (4) FOX TUCSON THEATRE FOUNDATION
192 S. Stone Avenue
Applicant: Herb R. Stratford
City #T045-04, located in Ward 6
Date of Event: May 8, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (5) CONGREGATION CHAVERIM
5901 E. Second Street
Applicant: Shelly A. Schwartz
City #T046-04, located in Ward 6
Date of Event: May 1, 2004
Public Opinion: Support Filed | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

It was moved by Council Member Dunbar, seconded by Council Member Scott, and carried by a voice vote of 6 to 0, to forward liquor license applications 5b(1), Sauce Pizza and Wine; 5b(2), Bangkok Café; 5c(1), Tanque Verde Schools Education Enrichment Foundation; 5c(2), Catholic Foundation for the Diocese of Tucson; 5c(3), Tucson Museum of Art; 5c(4), Fox Tucson Theatre Foundation; and 5c(5), Congregation Chaverim, to the state department of liquor licenses and control with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH F

Mayor Pro Tempore Ronstadt announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items by letter and title only.

- A. PROFESSIONAL SERVICES CONTRACT: WITH HEINFELD, MEECH & CO. FOR AUDIT SERVICES FOR FISCAL YEAR 2004
 - (1) Report from City Manager APRIL26-04-197 CITY-WIDE
 - (2) Resolution No. 19814 relating to finance; authorizing and approving the execution of the independent auditor contract with Heinfield, Meech & Co., P.C. for 2004 Fiscal Year; and declaring an emergency.
- B. WARD REDISTRICTING: APPOINTMENT TO THE 2004 REDISTRICTING ADVISORY COMMITTEE
 - (1) Report from City Manager APRIL26-04-199 CITY-WIDE
 - (2) Resolution No. 19815 relating to the 2004 Redistricting Advisory Committee; appointing Paul Rubin to replace the initial Ward Five appointment made on February 23, 2004 in Resolution 19778; ratifying and reaffirming Resolution 19778 in all other respects; and declaring an emergency.
- C. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON FOR FIXED-ROUTE AND PARATRANSIT SERVICES TO SOUTH TUCSON RESIDENTS
 - (1) Report from City Manager APRIL26-04-198 CITY-WIDE
 - (2) Resolution No. 19816 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement between the City of Tucson and the City of South Tucson for the Provision of Fixed-Route Bus and ADA Paratransit Services; ADA certification and voucher sales to South Tucson residents, and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON FOR ACCESS TO THE CITY OF TUCSON'S INSTITUTIONAL NETWORK
 - (1) Report from City Manager APRIL26-04-201 CITY-WIDE
 - (2) Resolution No. 19817 relating to the Institutional Network; authorizing and approving an Intergovernmental Agreement between the City of South Tucson, Arizona (South Tucson) and the City of Tucson, Arizona (Tucson) for access to the institutional network and use of South Tucson rights-of-way by Tucson; and declaring an emergency.

- E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR IMPROVEMENTS TO FREEDOM PARK CENTER
- (1) Report from City Manager APRIL26-04-192 W5
 - (2) Resolution No. 19818 relating to Intergovernmental Agreements; approving and authorizing execution of the first amendment to the Intergovernmental Agreement with Pima County for Improvements to Freedom Park Center; and declaring an emergency.
- F. GRANT AWARD: ACCEPTANCE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE “COPS” 2003 TECHNOLOGY INITIATIVE
- (1) Report from City Manager APRIL26-04-205 CITY-WIDE
 - (2) Resolution No. 19819 relating to Law Enforcement; approving and authorizing execution of a grant award between the City of Tucson and the U.S. Department of Justice, funding COPS 2003 Technology Initiative in the amount of \$1,987,000.00; and declaring an emergency.

Mayor Pro Tempore Ronstadt asked the council’s pleasure.

It was moved by Council Member Scott, seconded by Council Member West, that consent items A through F be passed and adopted and the proper action taken.

Mayor Pro Tempore Ronstadt asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal; and Mayor Pro Tempore Ronstadt.

Nay: None

Absent/Excused Mayor Walkup

Consent agenda items A through F were declared passed and adopted by a roll call vote of 6 to 0.

7. CALL TO THE AUDIENCE

Mayor Pro Tempore Ronstadt announced that this was the time any member of the public was allowed to address the mayor and council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said he had received several requests to speak and would limit the discussion to 30-minutes. He asked that speakers come forward as he called their names, which he would do in the order in which he received the requests.

- a. Andy Abrams, said he was a graduating pre-medical student at the University of Arizona. On weekends he works as a volunteer with the trauma surgeons at University Medical Center. He spoke about a tragic traffic accident that occurred on

Sunday, April 18, 2004, which claimed the lives of two promising students. The traffic accident occurred at the Euclid/Grant turn heading northbound. He said he felt the accident might have been avoided had the turn been properly marked and illuminated.

- b. Yolanda Herrera, representing the Sunnyside Neighborhood Association and the Tucson Design Academy, thanked staff for help and support of the Sunnyside Neighborhood Association's cleanup and noted her opposition to the demolition of the "talk of the town" building.
- c. Roy Martin, spoke in opposition to the demolition of the "talk of the town" building. He felt that the building was worth preserving.
- d. Linda Bohlke, representing AFSCME, spoke in support of Worker's Memorial Day, noting that it was important to recognize and remember those who had lost their lives in the line of work. She invited everyone to join them in a candlelight vigil on Wednesday, April 28, at 5:30 p.m. at the corner of Broadway and Euclid.
- e. Michael Toney, addressed the council regarding the Flandreau Planetarium and telescope and noted their incompatibility. He also spoke out against a bridge connecting the center.
- f. Alan Leibensperger, addressed the council in opposition to the demolition of the "talk of the town" building.
- g. Erika Kreider, addressed the council in opposition to the demolition of the "talk of the town" building.
- h. Dirk J. Arnold, addressed the council in opposition to the demolition of the "talk of the town" building. He said he liked the Rio Nuevo Project, but he was concerned about some of the projects going on downtown. He asked the council to take a moment, before it was too late, to consider how Tucson wanted to define its history, in terms of Federal guidelines or in terms of Tucson citizens who walked down its Tucson streets. He urged the city council to urge Rio Nuevo to preserve whatever they could of downtown's existing structures.
- i. Sarah Harris, addressed the council in opposition to the demolition of the "talk of the town" building. She requested that rather than demolishing these buildings, that they be integrated into the design for new construction.
- j. Cele Peterson, addressed the council in opposition to the demolition of the "talk of the town" building. She said the city should treasure the building as one of Tucson's treasures and urged the council to consider saving 26 E. Congress.
- k. Jerry D'Paco, addressed the council regarding concerns over the development of a "Dollar Store" which would be located near his townhome. He asked that the council address the safety issues.

- l. Tim O'Conner, addressed the council in opposition to the demolition of the "talk of the town" building. He urged the council to reconsider demolishing the building.
- m. Teresita Majewski, and chairperson of the Tucson/Pima County Historical Commission, said that at the April 8, 2004 meeting of the Historical Commission, concerns were raised about the "talk of the town" building. A motion was made, seconded, and passed 10 to 5, that they ask the city to hold in abeyance the demolition process until the commission could meet and hear reports in May. They appreciate the fact that the council has asked for additional information from the Rio Nuevo Office and they plan to work with the historic preservation officer, Marty McCune, to get this information. They hoped to respond to the council after that May 12 meeting. She invited members of the public to attend that meeting, which would be held Wednesday, May 12, at noon. She said the commission was considering the matter and appreciated everyone's concerns as well.
- n. Joseph Baker, addressed the council in support of preserving the "talk of the town" building. He believed that it was important to at least look into all the details, not just a quick tour as Council Member West was referring to.
- o. David Hensley, Tucson, representing the committee to preserve historic Tucson, said he had a few questions for the council. He wanted to know who owned the building. In checking with the County Assessor's Office, he found that the records showed that the building belonged to the United States of America. He posed other questions to the city manager regarding ownership and authority of the building.
- p. Tom Peterson, representing the Arizona Historical Society, said he was there to urge the council to consider the alternatives for 26 E. Congress Street, for the sake of the spirit of Rio Nuevo, he asked the council to consider the possibilities of the building.

8. PUBLIC HEARING: (C15-04-01) ESTABLISHING ORIGINAL CITY ZONING FOR THE VILLAGE AT ORILLA DEL RIO ANNEXATION DISTRICT

Mayor Pro Tempore Ronstadt announced that city manager's communication number 203, dated April 26, 2004, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing with respect to establishing original city zoning for the Village at Orilla Del Rio Annexation District. The public hearing was scheduled to last no longer than one hour and speakers would be limited to five-minute presentations. He asked for staff's presentation.

Ernie Duarte, development services director, said that the item before them tonight established original city zoning for this parcel along River Road, approximately a half mile east of Campbell Avenue. He said the parcel was annexed into the city in February of this year. The county zoning in place at the time was S-R, which was suburban ranch. Suburban ranch allowed low-density development. He added that some allowable uses in S-R zonings included single family residential development, churches, schools, and some commercial uses. The minimum lot sizes for development in S-R zoning was 3.3 acres. Since the city of Tucson maintained the S-R zoning as well, the translation from the county's S-R zoning to city S-R zoning was the most appropriate translation at this time.

Mayor Pro Tempore Ronstadt, asked if any one wished to address the council on this issue. Hearing none, he called for a motion to close the public hearing.

It was moved by Council Member West, seconded by Council Member Dunbar, and carried by a voice vote of 6 to 0.

Vice Mayor Pro Tempore Ronstadt asked the city clerk to read ordinance 9959, by number and title only.

Ordinance No. 9959

Relating to zoning; establishing original City zoning for approximately 12.87 acres generally located on the south side of River Road, approximately one mile east of Campbell Avenue, which was annexed to the City of Tucson by Ordinance No. 9849, adopted on February 2, 2004; designating the extension of the Scenic Route; and setting an effective date.

Mayor Pro Tempore Ronstadt asked the council's pleasure.

It was moved by Council Member Dunbar, seconded by Council Member West, that ordinance 9959 be passed and adopted.

Mayor Pro Tempore Ronstadt asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal; Mayor Pro Tempore Ronstadt.

Nay: None

Absent/Excused Mayor Walkup

Ordinance 9959 was declared passed and adopted by a roll call vote of 6 to 0.

9. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED BIENNIAL BUDGET FOR FISCAL YEARS 2005 AND 2006

Mayor Pro Tempore Ronstadt announced that city manager's communication number 194, dated April 26, 2004, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on the city budget. He said this was the first of two public hearings. The second hearing was scheduled for June 21, 2004. The public hearing was scheduled to last no longer than one hour and speakers would be limited to five-minute presentations. He noted that the back of the speaker card had space to write comments, if someone did not have the opportunity to speak or if they preferred not to speak.

Prior to beginning the public hearing, Mayor Pro Tempore Ronstadt said he wanted to relay that if someone did not want to speak at the meeting or if they did not have an opportunity to do so, there were still several means to participate. The first was the mayor and council comment line, 791-4700, which could be called 24 hours a day, seven days a week. The second was on the

city of Tucson's web page. There was actually an interactive budget section where comments could be entered and individuals could find out what was going on with the city's budget and other issues with the city. The city's web page address was www.tucsonaz.gov. The third way was the green card available at the entrances at the side of the hall. There was space on the back of the card to write comments. Pencils were also being provided. All comments would be put together and would be provided to the mayor and council.

Mayor Pro Tempore Ronstadt added that there would be at least one other public hearing. The council may choose to hold other public hearings prior to the adoption of the budget. He said that this was the time for the council to listen to the public's comments. They would not be able to, at this time, to respond to questions, or to have staff respond to questions. This was the time for the mayor and council to listen to the public's comments, ideas, or other issues related to the budget. The council would be taking notes on what was said and mayor and council would also be asking questions of staff. He also mentioned that there were a lot of people in attendance who wished to speak. The hearing was scheduled to last for an hour. Depending on how it went, they could be flexible and allow extra speakers. Speakers would be limited to five-minute presentations, but he urged the public to take less time, if possible. He asked everyone to respect others' comments, whether they agreed with them or not. He asked speakers to come forward as he called their names.

Arnold Miller, said he was there to talk about the proposed budget, specifically the two percent tax on renters. He was not sure if the council was aware, nor was he sure if the city manager was aware that they already paid taxes in the form of rent. He said he had met with some people who voted the mayor and council into office. One person in particular said that this two percent would eventually put him on the street. He said he would keep his comments very short, but asked the council to reconsider. He asked those in attendance how many were registered voters, and how many would vote again for the people they elected if they raised taxes and put people on the street?

Maurice Miller, said he was opposed to the proposed tax on rentals. He and his wife were from Canada and they had been coming to Tucson for the last 16 years. He believed that the city council had not given the voters sufficient information on the basis for which they would like to levy a two percent tax. He would like to know how much money this would raise. Secondly, he believed that the council should consider a welcome tax. In Montreal, Canada, they charge a tax on every house that is sold in the city to newcomers. The idea there was for the newcomers to compensate the taxpayers of the city for the benefits that they would inherit. He said the city had a beautiful Tucson convention center and believed that newcomers should contribute to the costs of the center. He suggested that the council consider a welcome tax based on the price of a home that is sold.

Mr. Miller continued that he believed the idea of charging a two percent flat on all rentals was incorrect, because it would be placing the burden on working class people who were paying taxes now on everything that they got in the city. As visitors: they rented cars – they paid a tax; they had cablevision – they paid a tax; they had a telephone service – they paid a tax. On every single thing that they acquired here, they paid a tax. He felt that to go ahead and levy a rental tax on working class people was really incorrect.

Margie Rodriguez, was there to tell the council that she could not pay the two percent tax. She was a substitute teacher for the Tucson unified school district and also worked as a temp. She taught grades "K" through high school. She had taught the students at the jail and also taught special education. She was 50-years old. She said she had bad feet, bad teeth, bad eyes and was asthmatic. She had no health insurance because she could not afford it. She did not have a car. She spends most of her time taking the busses. In other words, she said she was "dead broke". She had been homeless in the past. She had a degree from the University of Arizona. She knew what it was like to be one paycheck away from destitution because she had lived out of a car. The last time she had a vacation was when her son was one year old. He was now 20. He had a little two-year old girl. He had a small family and he struggles. He works nights, cleaning planes. She said she knew that he paid more rent than she did. She paid taxes even when she was unemployed. She asked the council and everyone there to take into consideration, what it would be like to be in her shoes; not to be able to bathe; to eat samples from restaurants and yogurt places when you had no other place to eat food. She said she would not want that kind of life for her students at the jail, nor anyone. So when the mayor and council were thinking about taxing people who rent, they should think about the families that were going to be out on the street. That two percent may not mean anything to someone who had a good income. But when you were struggling to make ends meet and there are children depending on you, then it was a big difference. There would be many homeless and then, where was the two percent? She asked the council to take her comments into consideration.

Linda Bohlke, said she was there to talk on behalf of city employees and to urge the council to make employees a budget priority this year. She said the city only worked due to the efforts, the service and the sacrifices of city employees. She spoke earlier about three of those employees who gave their lives providing city services. Without those city employees, things like trash would not be picked up; the parks would not get cleaned nor maintained; the streets would get even more potholes that they already have. The water system would not get maintained. She said that the services provided by blue-collar employees in the city of Tucson were essential and employees needed to be recognized for those services. Last year the council instituted a pay freeze due to a very bad budget year, and employees understood that. She said it was time to thaw that freeze. It was time to make city blue-collar employees a budget priority.

Ms. Bohlke added that employees knew that there would be difficult decisions coming up in terms of dividing up that budgetary pie, but they were asking for more than crumbs from their table this year. City employees, many of whom made less than \$30,000 a year, needed a decent pay increase. They needed a pay increase that was not given with one hand and taken away with the other, when health insurance premiums were raised and employees were forced to pay more out of pocket expenses towards their health insurance; when they had to make choices about whether to feed their families or whether to take their kids to the doctor. She said that those were not the kinds of choices that working families in this community should have to make.

Ms. Bohlke said she also wanted to talk to the council about one of their priorities this year, which was a paid Cesar Chavez holiday. She said they believed that it was time the city of Tucson, like Pima County and Pima College, recognize the heritage, contributions and legacy of Cesar Chavez. She said it was in that spirit that they also ask the city to uphold the promise of the city manager and the promise of the mayor and council to treat all employees equally. She said Cesar Chavez was a great civil rights leader; yet, in the city of Tucson there was great disparity between the various groups of employees within the city. She said she handed the council a package outlining those disparities, showing again in black and white how blue-collar employees

had been disadvantaged over many years in the city of Tucson. She was asking the council to make that wrong, right. She asked the council to make city employees a budget priority; to reward employees that came to work day after day and provided the essential services that made Tucson a great place to live; and to really uphold their commitment to make this a family/friendly city.

Marcus Sorgatz, said he agreed with those who spoke before him, those who would speak after him, and those who were speaking by their presence or signature. He said he felt the proposed tax was unconstitutional and double taxation. He said it was being placed on the backs of many of the citizens who could least afford it. He wanted to take this point one step further and asked what need there was for any additional tax? He said that Tucson had been growing steadily for many years, which meant a broader tax base and should support the necessary services and improvements needed. He then posed the question "where was all this money going?" From what he understood, there were over 90 city employees who made over \$100,000 a year. He said that the justification for this was that it had to be done in order to get quality employees. Basically, that meant that the rest of the businesses in Tucson had grown, profited and survived using substandard employees.

Mr. Sorgatz added that the city of Tucson was known for paying below average wages. People choose to move here and live here for the quality of life, and asked why city of Tucson employees could not be the same. Before the city council starts imposing additional taxes, he felt they should first ask the city manager to justify the need. He said that maybe if they pulled the pigs' snouts out of the public trough and held them accountable, there would not be a need to impose a discriminatory illegal tax. The city manager was accountable to the council, just as the council was accountable to the citizens that elected them. Before the council started punishing the college students, those on fixed incomes, single parents, and those who were just trying to make it through the day, he asked the council to do what the rest of America did when money was tight – look for unnecessary expenses that could be cut. If the council was going to tax, it should be done fairly. Tax everyone that would benefit from the additional services provided; but don't punish one group because of the city manager's greed and don't raise taxes just to light a few people's pockets.

Nancy Nicolosi, said she was president of Schomac Property Management, which managed approximately 4,000 apartments within the city limits of Tucson. She realized the city had a budget to balance, growth to accommodate and that the city had many needs. However, apartment buildings, just like homeowners, already paid property taxes to the county, which in turn provided funding for Tucson Unified School District and other city related expenses. Although the city budget proposed a rental tax for those who rented in excess of \$600, the budget did not propose a tax on homeowners who's mortgage was greater than \$600. She added that if renters were taxed at any rental range on top of the taxes that were already being paid by the apartment buildings and thus the renters, via rental rate, it really amounted to double taxation. Additionally, she said that renters did not have the luxury of deducting mortgage interest payments from income taxes.

Ms. Nicolosi continued that putting aside the fairness issue, the greater than \$600 in rent proposal would directly impact renters in some one-bedroom apartments, but would have a far greater impact on working families in two and three bedroom apartments. For example, she said that in a study of apartment buildings within the city limits, about one third of all apartments had rents in excess of \$600. These apartments were located all over town, including lower to moderate-income neighborhoods and they were in every single ward of the city. She said this proposal was asking those who could least afford it to help pay the city's budget. Their experience

with budgeting was to ask rank and file where the waste was occurring. Many times, they had a better handle on this than supervisors did. Then supervisors could evaluate this information and see if more efficient procedures could be implemented at a lesser cost. She presumed the city already did this and said that if it did not, it should. In conclusion, coming up with other revenue generating ideas along with close scrutinization of expenses, could lead to the same end goal for the city. She believed this goal was to fix existing problems and accommodate growth with a new approach.

Bonnie Boudreaux, said she wished she had the answers. She wanted to speak to the council about a population of extremely hard working single income families who had to bring her separately from their rent, two dollars, when the brush and bulky came to be. She said that was hard for them to understand, but coming to her a week or two weeks later after the rent was paid with two dollars showed you the kind of honest and hard working people they were. The garbage increase alone would make a huge impact on some of her families. All her families worked. Some were single moms with children. There were fathers who worked at car washes during the day at minimum wage and at fast food dishwashing at night, so that they could pay the rent, pay their bills and pay taxes they were already burdened with. As she said earlier, she wished she had some answers, but she promised that taxing the hard working poor was not the answer. She said it would make a difference of whether they had hamburger three nights a week or had to eat macaroni and cheese one of those nights, because they did not have the two dollars.

Kirk Saunders, said he was on the Tucson Board of Directors of Manufactured Housing Communities of Arizona. He represented the owners of manufactured home rental communities and was there to speak on behalf of the residents that lived in the city. He said this was an extremely important hearing, and hoped more would follow, not just one. They were strongly opposed to any of the taxes currently being proposed to balance the city budget. The *solutions for our community, a regional approach to the city's financial fiscal crisis*, stated very clearly that there were many problems, including degradation of the city's infrastructure, which needed to be addressed. But these were long term problems, which needed to be looked at in the larger picture. What the city was doing was looking at band-aid approaches to solving these problems, by simply passing short term revenue generating taxes, which would not be available to us in the future if we needed it to solve problems. Rather, this money would go directly into the budget and disappear without any solutions to the city's long term problems. For example, he said the city needed to look at all of the expenses that the city incurred for all of its different types of departments and programs. In 2003, the city of Tucson spent \$27 million for its employee benefit group plan.

Mr. Saunders said the city manager's projected recommended budget for fiscal year 2006 was \$41 million. That meant that over a period of four years, the cost of supplying health care to the city of Tucson employees would increase by \$14 million. That would be approximately \$4 million a year. Conversely, city employees, for a family of four under the Pacific Care Plan, were required to pay \$75 a month for this care. The city of Tucson must pay \$642 a month for the same care. That was the subsidy, which meant that every city employee who got insurance for a full family of four, was getting a \$6,800 subsidy for that family from the city. There was no end in sight to the health care cost increases. He said it was quite ironic that the city of Tucson was subsidizing its employees to the tune of \$6,800 a year, when many Tucson families could not afford health insurance at all. He noted that many of the people in the audience were probably uninsured themselves, and they would be asked to pay a garbage tax, a rental tax and indirectly an advertising tax, because all owners of manufactured or rental communities must use advertising to

get spaces filled in their parks. He understood that more than half of this year's \$26 million deficit was a result of overruns in health benefit expenses. The net of it was that the city was asking the uninsured to pay taxes to pay health benefit costs for the insured, who are making \$30,000 a year. He added that there were probably a lot of folks in the audience who would love to have a job that paid \$30,000 a year. He added that Linda Bohlke spoke eloquently earlier about the need for them to respect the city employees and blue-collar folks who picked up the garbage. There was no question that the people who worked for the city worked very hard. At the same time, however, they should look at themselves and ask whether or not they should also sacrifice to live in this nice city that we all live in. They should not expect those folks who don't have the luxury of working for the city, making city wages and getting city benefits, pay all the taxes to support those benefits and wages.

In conclusion, Mr. Saunders stated that Rick Meyers, one of the architects and authors of *the solution for our community / the regional approach to the city's fiscal crisis*, when asked during a town hall whether or not they would have recommended that taxes be sought by the city, prior to the plan and the implementation of a plan to solve the long term problems, said absolutely not. In fact, they would never have put recommendations for short term solutions if they believed the city of Tucson would attempt to enact taxes before solving the long term problems of the budget, of annexation, of top to bottom departmental reviews, of all of the other ways that businesses in the outside community determine how they could cut expenses, at the same continuing to be profitable in times of financial trouble. With respect to programs, one of the things they would like to recommend was that the city go and look at all the programs it supported, including outside agencies and non departmental budgets, and look at either zero base budgeting or sunseting every program, so that they had to be renewed by mayor and council every period of years, whether it was two, three, or five years, so that no program staid institutionally paid for forever without any scrutiny. There were programs that had been around forever, real estate that had been given away to charities. There were so many things that had been done that the city had not analyzed. He asked why the city had Access Tucson?

Cindy Ashton, said she was representing 1,500 residents in the city area. She was also a member of the Manufactured Housing Communities of Arizona and worked very closely with Kirk Saunders. She said she would make her comments brief, because Kirk reiterated everything she wanted to say about different programs. She did not want to concentrate too much on the tax. They obviously were opposed to that and also the garbage fee. However, she said there were certain things that the council needed to look at again in this budget. She knew that Tucson was facing some serious problems. She had been in Tucson all her life and her family has been in Tucson for many years. One of the things they really wanted to stress was taking a hard look at the property management area that the city of Tucson had, which was probably about 1,700 housing units. She thought that outside agencies could help the city with that, looking at private companies to help manage some of these. She felt this would be very helpful. She reiterated that access Tucson was funded for over one million dollars. She did not know if very many people even knew what Access Tucson was, or where all that money went. Those were just a few things that they wanted to make sure the council looked at. They were out there to help in whatever way they could to make the budget workable.

Mary Apitz, said she was one of those snowbirds. She was a snowbird 25 years ago. However, since that time, she had been a voting member of Tucson's community. She had been a businessperson in town. She paid taxes and had become a Tucsonan, so was no longer a snowbird. She was now retired, and medicare charged her about \$60 a month for her health insurance. What bothered her about the expense of the health program was that if

she were single and working for the city, she would not have to pay a cent for it; the city would pay \$235 per month for her health care. She paid \$167 a month for her supplemental insurance, in addition to the \$60 she pays medicare. So this money came out of her retirement money. She did not feel it was fair. In her entire lifetime, and in the lifetime of many others in the room, they had paid for her own health insurance and had carried their own burden. They needed to be more evenly balanced in Tucson. She realized that this was a very touchy subject; however, it was something that needed to be looked at and evaluated.

Ms. Apitz continued that the thought of the \$12 plus, or whatever it was going to be on garbage, bothered most of those who lived in mobile homes. They owned their own homes, but paid rent. Most of the parks that were in her group of parks did not have to pay for garbage. So when this starts it would be an additional \$12 a month, in addition to their usual yearly increase in rent. She lived in a very nice park. The rent was getting closer and closer to the limit that the city was talking about tacking on as a renter's tax. She urged the council to think about the people, the snowbirds, those who come from out of state and were here for part of the year. They were an important part of Tucson's economy and most people in the community forgot that, especially the people that drove down the street and made funny faces at them. They ate here, they paid rent and paid taxes here. Even though many of their people lived in a different state and voted there, because they paid rent to their landlords that were a part of this community, they were a very important part of this economy. She asked the council to remember that. If the council wanted to continue having people come to Tucson during the winter, like the retirees, they should think about that when trying to solve these problems.

Tim Coleman, said he was one of approximately 5,000 city employees, and said that he was not paid \$100,000. In any case, he wanted to commend the city staff for what they had done with the budget this year. He wanted to explain to people that this was a bad time for the city. The dollars are not there. The past three or four years, dollars had been taken away. Services that we needed could not be supplied. He said the council had a choice. You could dig so much, then the time would come that you had to say "I can't afford the service any longer". He said that was a very tough decision. He would not want to be in the council's shoes. However, he wanted to stress a few points that perhaps the audience needed to know. First, when it came to the rental tax that everyone was talking about, the lady from Schomac said it correctly. There was a \$600 deduction. That meant that most folks that rent under \$600 would not be paying that tax. He wanted to remind people that seven years ago, there was a city tax. As far as the county went, renters, people like him who did own the property that they rented, paid an assessed rate of 25 percent, while residential people paid at 10 percent. He said that went away. The only difference now was that the credit he received for school education, he did not get on his rental property. He did not want to have to pay more taxes either, but he did not want to see the city of Tucson suffer the ill repair that it had been suffering for the last ten years and not go forward.

Secondly, Mr. Coleman said that how the garbage cost was charged needed to be addressed. Unfortunately, most of the people in the audience, who were also renters, needed to realize that it was commercially charged to the apartments and they were already paying for it. They were not going to be paying any more because of what was being charged by the council. The excuse of laying it on the city, saying they were taxing you more, needed to go away. In this particular case, the city of Tucson was one of the few municipalities that did not charge a garbage service. He said that they either needed to get out of the business, if they chose to do, but he wanted to remind the people in the audience that if that were to happen, the private sector would come in. Perhaps they might be cheaper for a year or two, but there was one thing about city government. The city did not have a profit element. Eventually, it would cost residents more. The

infrastructure would be gone and we would be paying it, whether it was called a tax or not. He said that probably did not make a lot of people happy to hear. But he commended the city staff for at least being open with its employees over the last three years, and showing them, at their level, what it was. He commended them for that. He wanted to speak to the audience for a moment and tell them that everyone was worried about \$80 million. He asked them to think when they did the bond election next month, which would involve more dollars. In the city of Tucson, that was approximately 60 percent of Pima County's dollars. They did not get all those services. That was not the council's fault, but asked the audience to think about those issues as well.

Mayor Pro Tempore Ronstadt reminded the audience that everyone had a right to their opinions. He said this was a time for the mayor and council to listen to the public. He asked that everyone respect what others said, even if they did not agree with the comments made.

Barney Brenner, said he was a candidate for the Pima County Board of Supervisors. He said that, along with every person in the room, he was quite sickened by the fact that every time the city of Tucson or Pima County could not balance their budget, look at the amount of money they have to spend, and spend within their means, they reach out into the taxpayers pocket and say "give us more, we want more". He said that they can't do that, and wishes that the city and Pima County would work within their budgets. Most people in the room knew that in just 22 days, Pima County would be planning to institute \$732 million, almost three quarters of a billion dollars, in brand new spending, another case of them reaching in to taxpayers pockets. Even though the city of Tucson and Pima County each had a one billion dollar budget, they could not seem to make ends meet. So, they wanted to reach into each pocket and ask for more. He thanked the folks in the room for standing up. He said that because of their action, the city of Tucson was not likely to pass a two percent rental tax, and they were more likely to look deeper into their budget, where they could save that money. He said he would like the voters in the room to force Pima County to do exactly the same thing and reminded everyone of the county's bond election on May 18, where they would put forth new spending that would make the two percent rental tax look like peanuts. He asked everyone to read up on it and asked everyone to vote 'no' on May 18.

Patricia Peterson, said her concern was for funding for the Tucson/Pima public library. She said the city manager recommended a two percent increase in the library district tax. She was not speaking to the tax. She said she was speaking to the mayor and council and requesting them to work with the pima county board of supervisors to develop a larger mechanism for funding efficiently the library and providing for efficient operation, rather than the confusing situation now due to two different parties being involved in the funding and operation.

Ken Gleeson, also known as Cactus Ken, said he was retired and was on a fixed income. He worked for a county government in Michigan for 25 years, before moving to Tucson. Last month, he said his car was stolen from right outside his apartment in the middle of the night. Because of that, he had been forced to use the busses any place he went. He could not afford another car, nor could he afford the high price of gasoline, so he had to use the busses. He was trying to patronize downtown businesses more often, and hopefully set an example for other people to follow, so that they patronized downtown businesses, used the busses, got rider-ship up on the busses, and hopefully revitalized the downtown area as much as he would like to see it revitalized. He said that earlier this evening, a lot of people talked about revitalizing the downtown area and he was very interested in that also. On the other hand, he said he had to live within his means. He was on a fixed income. There were things that he could not afford that he would like to do. He had to say that the Tucson city council was going to have to live within its

means, like it or not. He added that the taxpayers of the city of Tucson and of Pima County only had so much money to work with, no more. Their resources were limited.

Mr. Gleeson told the council that they were not looking at the board of directors of the bank of America; they were looking at citizens just like himself, whose income and means were limited. They had to live within their means and the city of Tucson and Pima County were going to have to live within their means also. He said it was in the news last night that we were in economic danger in this country. He said we had accumulated debts in this country, government debt, private debt, to an amount approaching about \$20 billion million. The sheer enormity of that kind of debt, dangerously easy, big trouble. That was what debt really was. He wanted to add that if economic times went bad, people who had borrowed against their homes, borrowed against their credit cards, were going to find themselves in very serious troubles. He said there might be many people like that in the room tonight, people who would not have any money to give to the city of Tucson or Pima County to finance their extravagant way of spending money. He said they could not afford bond issues or more debt.

Mr. Gleeson urged everyone to vote 'no' on May 18, noting that they could not afford to spend money beyond their means anymore than anybody else could. He certainly was opposed to the two percent rental tax and would have to go to another city where rents were lower and where public transportation was better, if this tax passed. He voted for transportation improvements over the years a number of times. He had been to the symposium on transportation. People had continually turned on proposals for improvements for public transportation for one reason or another, but sooner or later they were going to need better public transportation. Gasoline was going to be unaffordable some day, and maybe very soon. He said he would say this much, that the two percent tax on rent was absolutely unfair and unaffordable to the people there tonight.

Carey A. Stagg, said she has a son and a baby on the way, and her jobs are limited with what she can do right now. Food was expensive and rent was high. Pay was cheap. She urged the council to vote "no" on the two percent rental tax.

Paul Lodge, said the council was asking for all these raises and property taxes, yet every person in Tucson averages six to seven dollars an hour. They could barely afford their rent, let alone insurance and taxes on their vehicles. He said there were people running around Tucson that still had Mexico plates. They paid no insurance or license on their vehicles. He said he paid his insurance on time, he paid his license on time, and now he was getting hit with this. They could barely afford it here in Tucson. He urged the council to have feelings for renters, because they barely made it on their wages here in Tucson.

Carol Tucker, said she rented an apartment together with her fiancée. On her income of \$564 a month, she could not even afford a studio anywhere in Tucson by herself. She was an epileptic and could not live alone. Two days ago, she had two seizures back to back at a Circle K where her fiancée works, so her mother had to pick her up from his work. She said if it wasn't for him, she would not be living there. She would not be living anywhere and she did not want to rely on her mother or her sisters. She urged the council not to pass this tax, because she could barely make it as it was on less than \$100 left after she paid her bills. She only got \$69 in food stamps and that did not last for her only.

Jerry Gutierrez, said he was the managing director of Premier Hotel Group. They operate four hotels here in Tucson. Of his 168 employees, 87 were apartment renters. These were their housekeepers, dishwashers, cooks, house-men, front desk representatives and

some of them were students. When you considered the average wage to be \$7.10 at their company, it became apparent that adding a two percent renter's tax would not only cause a financial hardship to these much appreciated employees, but would be counter productive. Property tax, sales tax, gasoline tax, movie tax and the list goes on. He said they must stop and think about the human element when considering tax increases, not budgetary concerns by scared politicians. He said his employees must deal on a daily basis with real life issues, not political issues, food costs and gasoline. The last he saw was \$1.98 a gallon. Car insurance, bus fare, child care, once again real life issues; and for those who can afford it, an occasional doctor visit and for a selected few, health insurance. Now, another tax! He asked the council to give citizens more freedom to choose how they spend their hard-earned money and not have others choose their financial destiny. He asked everyone to join him in defeating this counter productive and inhumane tax and say "no to the renter's tax".

Ray Depa, a resident of ward six, said he was there representing the Tucson Advertising Federation. He said he was the general manager for Channel 9 TV. He said they were there obviously to convince the council that an advertising tax was a terrible idea. It was interesting to listen to the people who spoke before him. There was a common denominator in each one of these taxes. They hurt the people who could least afford it. He said an advertising tax would hurt small to medium sized businesses in Tucson. They relied on advertising to market their goods and their services. As a general manager of a television station, they would have no choice but to pass this tax along to small to medium size businesses. He asked how often they had heard the council talk about the virtue of locally owned businesses, that those businesses represented the backbone of our community. Yet, they already paid their higher share of taxes and fees. Local businesses already faced significant challenges from predatory big box national retailers. The big guys would not have to pay this tax because they advertised nationally. The little guy was going to get stuck with the bill. A lot of people say that they don't like commercials on television or advertising in newspapers. But advertising stimulates the economy. In fact, a three-tenths of one percent drop in retail sales would more than gobble up \$3.6 million that the city estimated would be generated by this tax. He asked why the council would pour water on the charcoal before lighting the grill?

Mr. Depa asked what would be subject to the advertising tax? Would they charge church bulletins for advertising, or hats with advertising messages? What about a coupon book being sold by the Tucson Boys' Chorus? Advertising on pens, mugs and a shirt sold by the Mount Lemon Volunteer Firefighters to pay off their fire truck. He asked if that was what would be taxed? The citizens finance and review committee said it spent nine months studying the city's fiscal crisis. But when asked why recommend an advertising tax, the reply was that the only reason was that Tucson was the only city in the state that did not have one. He said the city spent nine months trying to find that out and it was false. He said all they had to do was look at Marana. KOLD, Comcast Cable, the Northwest Explorer, would not be subject to this advertising tax, which placed an unfair competitive advantage to those located in the city of Tucson.

Mr. Depa said he wanted to take just a minute more to offer some of his own thoughts, not representing the Tucson Advertising Federation, but as a citizen of the city of Tucson. The nine members of the citizens committee made it a point to stress the need to examine city services. In their words, mayor and council should examine services and decide if the city should continue to provide each service. In his budget letter to the citizens, James Keene, city manager, said that Tucson's budget challenges simply could not be met by cutting and reallocating resources anymore. He said that Mr. Keene was right; cutting was not simple, but neither was raising taxes. He asked them to offer some things to ponder over these next several weeks before they voted. What did it say about the city of Tucson when we were ranked near the top of our class in

operating a city television station, at the same time ranking near the bottom of the class in buying library books? What did it say about the city of Tucson when millions are spent on a myriad of neighborhood projects, when the best things that can be done for neighborhoods was make them safe from crime? What did it say about the city of Tucson when they boast about the miles and miles of bike trails and bike paths that had been constructed, when there are hundreds of miles of streets in the community with no sidewalks for children to walk safely to school on?

Mr. Depa said it was a matter of priorities. It was a matter of having the political will to do the right thing, to do what is best for the city of Tucson. As a resident of the city, he would feel a lot better about raising taxes or paying more taxes, once he had been assured that those he paid now were being put to the best possible use. He asked the council to take the first step by setting a good example. He noted that the council office budgets requested an increase of 23 percent next year. He did not envy the difficult task the council faced, but prayed that they had the wisdom and courage to make the best choices.

David Slavin, said he was there representing the American Advertising Federation, of which he sat on the national board and was the district governor. He said that 15 years ago the Tucson city council looked at the advertising taxes that were in place at that time. In their judgement and with great wisdom, they determined at that time that there were some inherent inequalities with regards to the taxes on advertising. He said he had discussions with Bill McDermott, who was on the citizens committee that made the recommendation, as the general manager at Park Place Mall and Tucson Mall. He had discussed with him at one of the earlier town halls that basic inequality. When you looked at restaurants that were located at Park Place Mall, the Red Lobster and McMahon's Steak House, the Red Lobster could place their advertising nationally and pay no tax, while McMahon's restaurant now had to pay a two percent surcharge to attract patrons locally to come into their restaurant. When you looked at the dine out for safety restaurants, he did not know how many of them were locally owned, but you had a Casa Molina, El Molinito, a small Mexican restaurant like Paco's at Craycroft and Grant, you had establishments that competed against On The Border, the Red Lobster, Chilies and the Macaroni Grill.

Mr. Slavin asked why they should be subject to a two percent advertising tax when these other companies could place their advertising nationally through the ABC, CBS television networks and not pay any advertising tax. He said that back in 1997, the warden economic forecasting group did a study in the state of Arizona and found that 14.7 percent of the total revenue in the state was revenue that was advertising related, or that advertising actually generated that kind of revenue for the state, and that 14.4 percent of the jobs in the state were either directly related to advertising or were generated from the chain reaction that advertising started. That chain reaction created jobs with vendors, wholesales, packagers, and the transporters of goods. He said a two percent tax on advertising was a bad idea for the local businessman. It sent an anti business signal to the small businessman. Right now they needed to rely on small businesses in the Tucson community. He was a Tucson native and understood that this was a difficult process that the council and mayor had to address, but advertising taxes were not the way to go.

Robert A. Breitingner, wished to comment on the constitutionality of the proposed renter's tax. He was sure that the council members and the vice mayor had a copy of the Constitution of the United States handy. He said that if they looked at the 14th Amendment, Section 1, that portion referred to equal protection of the law. As he understood it, this tax would be used to fund public safety. He said this was a benefit to everyone that lived in the city. The tax would be levied on people who lived in apartments, and not on people who lived

in homes. He was not a lawyer and certainly not a judge, but on the face of it would appear to him that it was in violation of the 14th Amendment to the Constitution of the United States. He wanted to add to his comments a quotation from someone who said, "the power to tax is the power to destroy". He asked the council to keep this in mind when they sat down to consider these matters.

Velma Golden, said she and her husband were both on social security. Unfortunately in the past they were not able to save a lot of money like a lot of people. She raised children, mostly by herself, and it was very hard for her. She moved to Tucson in 1984, she worked here and paid taxes here. She said they paid taxes on everything except the air they breathed and that probably would be next. They already had black uniforms. She noted that if the council was old enough to remember, there was another country where they wore black. She was waiting for time that Old Glory would be changed to red with a black swastika on it. She said that was not fair to them. They had worked hard, they had paid their taxes. They had raised their children to the best of their abilities. They paid taxes on everything, even toilet paper. That was enough. It was time that they said, "enough" and "no more"! There was talk about the council living within its budget. She did not know what the budget was, she was not a college graduate. But she knew she had some sense and intelligent to know that this tax proposed on people who had worked so hard and they paid and paid. And the council wanted them to pay more? She referred to an earlier speaker who had a baby, and was going to have another baby. She said it appeared to her that this lady was really having it rough.

Ms. Golden said the council could not do this to them. They had had enough! Ms. Golden and her husband were on social security and made a little over \$1,000 a month. Their rent was over half of that, plus all their utilities and everything else. They didn't go out to the movies, they didn't go out to dinner. They were lucky if they might have a dollar to go to Taco Bell once in a while. They didn't live high off the hog. They didn't have steak or pork chops, or high roast, leg of lamb, or anything like that. They ate cereal and rice and pasta. They couldn't do any more. They had done enough. They have had it, and everyone that was still in the audience needed to say, "no", "no more!" She told the council to do the best they could with what they had; and if they did not have it, too bad!

RECESS: 7:55 p.m.

Mayor Pro Tempore Ronstadt announced that the council would stand at recess ten minutes, then return to the public hearing.

RECONVENE: 8:10 p.m.

Mayor Pro Tempore Ronstadt called the meeting to order and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Mayor Pro Tempore Ward 6

Absent/Excused:

Robert E. Walkup

Mayor

Mayor Pro Tempore Ronstadt announced that there were still two-thirds of the speaker cards to go through, but it looked like a lot of people left during recess. He said he would like to continue the public hearing for 30 minutes. Instead of calling names of speakers who had left, he asked the people who still wished to speak to the mayor and council to come up to the microphone. Speakers would be limited to five-minute presentations.

Elezabeth Cameron, said she hoped the council remembered that as a person in a wheelchair, those things that the council did had an affect those who could not be there today, because they did not have transportation. Ninety percent of the disabled people that she knew, rented. They were there because the council was now demanding \$12 for a garbage fee, an increase for a tax for advertising, an increase for a tax for renters, and they said it was less than Phoenix. She told the council to move if they wanted to live in Phoenix so bad. She told them not to bring it here. She asked the council when they are going to start charging for everything, what was next? Recycling? Would that be another \$12? She asked what about the neighbor who did not pay their garbage bill and the garbage piles up in his back yard; his garbage combusts and it would; and there was a raging fire that endangered their homes. Would that mean that the city would have to hire more firemen? She asked what tax would pay for that?

Ms. Cameron asked the council if they ever considered the end results. For example, she referred to the \$75 unaltered animal ordinance, which she said had led to the increase in dog bites, loose animals, reduction in vaccinations, increase in rabies, and in reflection of these charges, a loss of revenue by people who refused to pay the overblown amounts that were based on Washington State – not Tucson economy or Tucson needs! She said it was a failure and it took years to get the council to even bring it back to the agenda. At that, a \$40 unaltered animal ordinance was passed without concern for the city's outcry against it.

Ms. Cameron said that many of them believed that the council really did not care and that this was just the icing on the cake. It's the things that they didn't see or hear about, when the council charges for recycling, without any conscience for the working class or those on fixed income, which was 50 percent of the community. She said they could not afford additional garbage fees or these taxes, even if it was only \$144 a year. For many of them, it was medication or food. As it was now, if they lived on minimum wage or a fixed income, they could not afford it. She thought that might just be the answer and asked why they just didn't cut all their salaries to minimum wage and put them on a time clock. Then the council might think before passing the next tax or fee increase, and the money from their salaries could go back into the general fund and maybe they wouldn't need all these taxes. She said it was only \$144. The impression that they got that this meant to the mayor and council and big businesses was a night on the town, two tickets to the opera, new shoes, part of a botox injection, a few rounds of golf and maybe a good tip. While for the rest of them who were fighting to survive, it meant heart medicine not covered by insurance for a month, three tanks of gas, 50 gallons of milk, a new tire or two when the old one finally blows, fourteen \$10 co-pays for medicine or doctor visits, the difference of whether they gott to eat meat at all or have to eat pasta and rice, one year's dog food for a small service dog; or for a child, school uniform and shoes, or one semester of school supplies. She asked the council what necessities they thought they should give up for these taxes?

Ms. Cameron continued that the city was poorly run. Many times she had gone down to city court to see the fines reduced down to nothing. An example for this was using the animals and other problems that she had directed to the council numerous times. They were reduced to nothing, \$1,500 in fines for example, when a bite or attempted bite that is not cited for up to three weeks for being off leash, not registered, not vaccinated. A combination of almost \$1,500 in fines, which would be directed to the general fund, were dropped altogether or reduced so low as to not even cover court costs. She stated that the city was overrun with unvaccinated animals, plea bargains and taxes. She said that the rest of them paid for the council's indiscretions. Today she said it was garbage fees, and tomorrow it would be waiting for the next hammer to fall on the working class in their flooded homes. Ms. Cameron reminded Mayor Walkup that the working class did not vote for him, noting that he was not in attendance.

Mike Brewer, said he was a 46-year resident of Tucson, in ward six. He also said he was a retired commercial property manager and a disabled American Marine veteran. He currently volunteered as a veteran's service officer, advocating for disabled veterans with a very small property management volunteer role that involved planning a co-housing community for disabled veterans that would include rentals. During a 23-year career as a property manager, he had the privilege of serving as a two-term president of the building owners' and managers' association and at one time as a registered lobbyist for a one issue-topic, commercial rental tax. He was the only registered lobbyist from Tucson for southern Arizona, and one from Phoenix. At that time, they were successful in drafting and eliminating the state tax on commercial rents, allowing them to be more competitive in the economic development arena. He said it was very odd to have a democrat in Phoenix trying to get a tax off and legislation was written at the state level by Mark Killian.

Mr. Brewer said that the clear intent of this effort was also to make Tucson more attractive to corporate relocations. That had occurred in a modest way. However, that buy-in at that time came with a plan that was discussed thoroughly with city managers and elected officials, of which he had memorandums of understanding in his archives. He continued that the plan was to open the way to assess a small tax on commercial rentals, meaning office, retail and industrial, both county and city. It was planned to be in anticipation of the eventual increase in cooperation of a city/county metro government, creating a very egalitarian and broad base of revenue for both the city and the county. It was that lack of egalitarian approach that he was there to address. He stated that a tax on residential rents was not in the least way, egalitarian. Mr. Brewer said the council was asking his disabled veteran friends on pensions, retirees, single mothers, three-income families, to bear the burden of fiscal management of a city that was primarily driven by the real estate industry, the military and the University of Arizona, all huge rental clusters.

In conclusion, Mr. Brewer wanted to submit the following suggestions. Could the citizens of Tucson see a clear feasibility study that sat side by side an analysis of the tax on rents, verses the one half to three quarter percent tax on commercial rents? Has the council considered the historical problems that predated Peter Herder's removal of the rental tax in 1978? The collection of the tax was a nightmare. With the abundance of absentee owners and revolving door property management firms, he said there were taxes that were not paid for up to four or five years, simply issuing the line of credit to "California landlords". They then assessed a tax. He said he wouldn't want to say it publicly, but he said he could list buildings, places and apartments that he ran where those taxes were not paid, for one of them up to seven years. He asked the council, which city hierarchical department of salaried employees was going to be in the enforcement business? The entire process of residential rental tax was fought with pitfalls and potential boondoggles and did nothing more than make landlords proxy city collection agents, creating the need for additional

staff. Mr. Brewer asked the council to consider the following options. First, the dispossession of buildings that did not house city operations. He was going to name a few, but changed his mind. Secondly; the buy down of the payoffs on the sale lease back deals that served as a perpetual line of credit and only enriched private investors. He said the interest paid on these sale lease backs was immense. They were intended to be a one-time thing, which was how the community center was built and improved. Thirdly, the sale of some of the excess real estate that they understood every year could not be done, because the answer was that it was only a short term fix. He asked what about selling some of the excess real estate, and showing the inventory to the citizens of Tucson, of what the excess real estate really was? In summary, he asked the council to imagine what a shackle they would be putting on the downtown housing projects, which was the pure salvation of the central business district. Ironically, he noted that they were the tenant of the building they were meeting at (Tucson Convention Center), and asked the council if they wanted to pay a rental tax on that?

Ed Ackerley, said he had lived in Tucson all his life. Fifteen years ago, he stood before the city council and spoke about the advertising tax and used the analogy that Ray Depa, so eloquently, used earlier that advertising was the fuel of the free enterprise system. He said it was analogous to taking water and dousing the charcoal before trying to wipe the fuel of the free enterprise system. The tax was eliminated back then and as they had heard tonight, it was not a good idea to go back down that road. Just because Phoenix or some other jurisdictions had it, it was not a good reason to tax advertising. He told the council that all the arguments had been given, and he asked to consider what that would mean to the small businesses of Tucson if that tax were to be enacted.

Denise Edwards Miller, said she was a property manager, managing six different properties in Tucson. She did not think it was an exaggeration to say that the average apartment community had 65 percent or more of its residents who were single parents or older people on a fixed income. These people, in particular single parents, were working very hard, sometimes at two jobs, to have their children in the very best home that they could afford. They wanted their kids to have a decent home in a decent area. Sometimes, this stretched their budget severely, between the cost of transportation to get to work, food, clothing for the kids and housing. Ms. Miller added that their big family night was every other week, on payday, when they ordered in a pizza and rented a video. A two percent tax would take away that pizza and/or the video for a lot of these families. She said that might not be a very big deal, if they just thought of it as "oh, they didn't have pizza that night, or they didn't have a video"; but if they had 800 of those families in any particular neighborhood, sooner or later there was going to be a pizza delivery person who was not delivering pizzas in that neighborhood any more. Also, sooner or later there was going to be one less clerk at that video rental store. That would be Tucson's version of trickle down economics and she did not think that would be a very good idea.

Robert Shatz, said he was representing the Cultural Exchange Council of Tucson as its president. He said he was not one of those 50 percent on a fixed income. He saw the promise of Tucson. He understood there were problems here, but noted that there's also promise. He graduated from oriental studies. He went to Thunderbird and lived in Japan for six years. He worked for a cultural investment banking brokerage house. He had come to realize that there was a whole lot of energy in Tucson. There was a lot of culture here, for example the cultural exchange council through the Tucson meet yourself, which had brought over 1.5 million people to the city, to celebrate the diversity and what makes Tucson special. He respected the analysis that James Keene, city manager, did when he was looking for the different comparisons. He felt it was a rational approach, from working at an investment bank. He said he made a couple

of phone calls to the management services, to the finance department, to city managers of cities with populations of half a million, just like Tucson, Arizona. What he found out was that per capita spending on cultural enrichment, while here in Tucson, Arizona was \$2 per head, Albuquerque was \$3.42, Virginia Beach was \$16.86, Cleveland, Ohio was \$6.19, Denver (while not really comparable) was \$16.42, Sacramento was \$8.32, and Portland was \$7.49. Coming from the business world and setting up a non-profit organization in his private life to focus on global economic literacy through international trade development in bringing in all the despaired parts of Tucson together. He volunteered his time at the cultural exchange council and told the council that the return on investment in cultural enrichment was something that made Tucson special. He just wanted to leave that message with the council.

Roger Karber, He spoke before the council last week, where he showed them the accumulating petitions that had been signed by apartment rents. He offered to the council over 4,000 signatures. As he sat at the meeting, listening to the many folks that came out, he tried to think of some gimmick, some exotic way of expressing a passionate appeal to the reasons why a renter's tax should not be approved. He thought about how people might have brought loaves of bread and offered them up to the council, out of their households, or staging some sort of event like a Marie Antoinette guillotine type thing. But he thought the council heard it best from the folks who would be asked to take funds out of their own family's piggy banks. He said he would appeal to the intellectual arguments of the efforts to try to produce affordable housing in the community. Last week, he mentioned to the council that the project he was working on right now paid a total of 13 percent in sales tax and impact fees. He noted that this proposed renter's tax would take additional funds away from the renters that they could use to pay rent, that he could use to build new housing.

Mr. Karber continued that the pipeline of affordable housing in the community was down to almost a trickle at this point. With the proposed impact fees, on top of the proposed renter's tax, he was afraid that his ability to produce new housing in the lower end range would diminish to nothing. He asked the council to think about the nature of the renter's tax as a sales tax and to consider a sales tax as something that was appropriate on goods, like shoes and clothes, on plants from the nursery, on two by four's from Home Depot, but not on people. He could not see how, in this community, they could move ahead and achieve the things they wanted to achieve when they began to look at applying a sales tax to renter's, which would really just be a tax on those individuals.

Doree Ramey, director of a program at Grace St. Paul's Episcopal Church, called "bread from the pantry", said this was a volunteer program, which had been in operation for the last six years. They service five food programs at Grace St. Paul's and sixteen others out in the community. She has seen and worked with, and put a helping hand and elbow to hundreds of people on a weekly basis. They had a pantry at Grace St. Paul's, called Joseph's pantry. It was open five days a week and they had showers available. In the last nine months, she said they had seen a drastic increase in families living in cars. They come and take showers. They could pick up a food box once a month and a lunch once a week. Those children were in school. He said this was happening all over the country; it was not just in Tucson. She said she was in real estate sales for quite a period of time, she was in property management with Tom Fannin. She said she got a very personal view of people when they made an application for an apartment. They were having more and more people lose their housing. Before approving a tax of this form, when people are scratching to get their rent paid, scratching to get medical for their children, she urged the council to think carefully about what they were doing, as the fallout from this could be drastic and cost a

heck of a lot more than any money they would ever get out of it. She asked the council to take it to heart. They saw it on a daily basis. She said the council might hear about it, but they did not deal with it on a daily basis.

Rick Smith, said he had been managing apartments in Tucson for fourteen years. He felt it was very unfair to charge these people a renter's tax. He did not feel that was the way to go. He said they were charging a tax even on a tax itself. The people he saw every day were very hard working people and it was very difficult for them. Mr. Smith said that at his complex, they had one, two and three bedroom apartments. They had all kinds of people living there. It was interesting, he said, because the range of the people that were affected went through all of those. The one-bedrooms, you had fixed income. You had mothers with children, doing all they could just to live in a one-bedroom apartment, because they could not afford a two-bedroom. In the three-bedroom apartments, you had large families and they could not afford the tax. Most of these people actually earned less than poverty level.

Mr. Smith noted that he wanted to say something that he did not think would be very popular, but he did not quite understand why his taxes were paying for a home owner's garbage removal. Two dollars is unreasonable in this day and age. He did not feel that it should be raised like that all at once. But he thought that it was time that it should start moving up and should not be subsidized by everybody in the city. Mr. Smith thanked the council, noting that he thought it was a very difficult job that they had to do.

Jim Griffith, said he wanted to start off by asking a question, because if the answer was yes, he did not need to affright the air tonight. He asked if there was in fact, on the 10th of May, going to be a public meeting in which they would be able to discuss things like the allocation of city assistance to public events. He asked if that was going to be a meeting in which the public would be able to attend.

Mayor Pro Tempore Ronstadt said he believed Mr. Griffith was referring to a study session of the mayor and council, and generally speaking, it would be a work session for the council and not a public hearing.

Mayor Pro Tempore Ronstadt then said he stood corrected, as there would be a public hearing on civic events on May 10th, separate from the work session.

That being the case, Mr. Griffith said the council was in luck and he did not need to talk with them this evening.

Denise Coffey, said she knew that the council was saying that the tax would only start at \$600 rent. She was not there quite yet, but maybe next year she would be there. She was opposed to this tax because her children did live in Tucson and they did pay over \$600 in rent. They were very young married people, attending school. They would like to buy a house. Her fear was that for those people who were renting, trying to save money, this extra little tax would set them back in getting their own house at least another year. She would not like to see them pick up and move and she would not want to pick up and move over \$144 a year. Her fear was that if the two percent tax was passed, it would not stop there. Sooner or later down the road, it would be a three percent tax, a 2.5 in one year. She said it would not stop at an advertising tax or renter's tax. It would be an extra tax on tires to pay for the new road. It just would not stop. It would be like a salesman with his foot in the door. This was why she was opposed to the tax. She said it was a fear. She would not want to move and she would not want to

see her children move. She did not want to see any young families moving out because of one more tax, the straw that would break the camel's back. This was what she thought the council should consider.

Linda Cormier, said she had lived there for 15 years. It was her home. She just renewed her lease for another 18 months and probably would renew it after that. She said she made a choice in her life 20 years ago not to try to own a home, because she was her sole support. When she retires, she did not feel she would be able to afford to keep up a home. Therefore, she chose apartment living as her way of life. She said she had heard a lot of things said tonight that were in her notes and she was not going to go over those again. She thought about some things that she thought the council was not aware of. About three years ago, many of the city's apartment complexes chose to start charging them additional water costs and additional trash pickup. She now paid \$17 a month for one person, for trash and water. That was in addition to what she was already paying in her rent for water and trash pickup, common fees, etc. She felt that was already a double taxation by her complex.

Another thing she only heard recently mentioned was that there was a lot of military in Tucson that rented. She had quite a few that lived in her apartment and they were going to be hit with this tax. They had two bedroom/two bath apartments, right up to the \$600 or more level. They also had a lot of college kids in her complex. They were graduate students and some were under-graduate students, and they went in together to come up with money to get a two bedroom/two bath apartment. This tax would therefore affect them also. Another thing that she noticed was that a lot of people living in her complex went there to retire. They came from service jobs. She was from Las Vegas, another city of service jobs. It made it hard to retire on just social security, if that was the only income. In her complex, she saw people who had gone in together, again to have a nice place to live. They rented together to do this; again that would put them in that price.

Ms. Cormier added that two years ago a tax was put on RV's by the county, which had a detrimental affect for awhile. She did not know if that was still true, but in her complex, they used to have a lot of snowbirds that rented. They hardly got snowbirds any more, and that started when that additional tax was put into effect. Even though it was just a 50 cents a night tax, it was the demise of snowbirds where she lived. These were things that she did not hear tonight, which she felt should be considered when the council considered this tax, the ripple, domino effect of a small tax, but it would have an effect.

Mayor Pro Tempore Ronstadt said that they had gone an hour and a half on the budget public hearing. He knew that this had drawn a lot of attention in the community. He told the audience that there would be another public hearing in June. Given that there was a great deal of interest in this year's budget, the council by general consensus might schedule a third public hearing. He wanted to remind the audience that there were means to contact the council and city staff on the budget issues. There was a mayor and council comment line that was monitored 24 hours a day, seven days a week, by wonderful machines. The transcribed comments would be provided to mayor and council. That phone number was 791-4700. There was also an interactive item on the city's web page, "budget, finance and capital" providing documents and reports and an area for public comments. The city's web page was www.tucsonaz.gov. Mayor Pro Tempore Ronstadt also said that they had all the green cards turned in tonight, which had comments written on the back. He said that information would be distributed to mayor and council and they would be having another public hearing.

Mayor Pro Tempore Ronstadt asked for a motion to close the public hearing.

It was moved by Council Member Leal, seconded by Council Member West, and carried by a voice vote of 6 to 0, to close the public hearing.

Mayor Pro Tempore Ronstadt thanked everyone who came to the public hearing. He said that the information provided to them was very important and he appreciated the time they took to spend with the council on a beautiful Monday evening.

10. ZONING: (C9-02-23) LEVIS/SUTTON – CAMP LOWELL DRIVE SR/RX-1 TO C-1 ZONING, ORDINANCE ADOPTION

Mayor Pro Tempore Ronstadt announced that city manager's communication number 204, dated April 26, 2004, would be received into and made a part of the record. He asked the city clerk to read ordinance 9958 by number and title only.

Ordinance No. 9958

Relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Camp Lowell Drive and Swan Road in Case C9-02-23, Levis/Sutton – Camp Lowell Drive, SR/RX-1 to C-1; and setting an effective date.

Mayor Pro Tempore Ronstadt asked the council's pleasure.

It was moved by Council Member West, seconded by Council Member Dunbar, to pass and adopt ordinance 9958.

Mayor Pro Tempore Ronstadt asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, Leal, and Mayor Pro Tempore Ronstadt

Nay: None

Absent/Excused: Mayor Walkup

Ordinance 9958 was declared passed and adopted by a roll call vote of 6 to 0.

11. CITY MAGISTRATES: APPOINTMENT OF SPECIAL CITY MAGISTRATES

Mayor Pro Tempore Ronstadt announced that communication number 200, dated April 26, 2004, would be received into and made a part of the record. He asked the city clerk to read ordinance 9952 by number and title only.

Ordinance No. 9952

Relating to City Magistrates; appointing Stacey Hayes, Paul Julien, Stellisa Scott, Wendy Anne Hernandez, Stephen T. Portell, and Clinton Ray Stinson as Special City Magistrates to serve upon call by the Chief Executive Officer of the Court; fixing compensation and declaring an emergency.

Mayor Pro Tempore Ronstadt said that prior to a motion on this item, he thought there were members of the council who had some discussion. He called on Council Member Dunbar.

Council Member Dunbar said she had questions to address to Judge Antonio Riojas, associate presiding magistrate. It was her understanding that he only forwarded six names to the city magistrate merit selection commission, yet they had 22 people apply. She asked him to explain the process.

Antonio J. Riojas, associate presiding magistrate, explained that this was a process that they had used in the past. The applications went to city court. From there they are reviewed by a group of city court judges. Everyone was asked for input, and then the names were forwarded to Judge Leonardo, presiding judge of superior court. Those names were then forwarded to the city magistrate merit selection commission. He added that process was used in the past. Judge Riojas said he tried to change the process at a good government subcommittee, but withdrew his request. He attempted to change the process in order to streamline it. Since he withdrew his request, he went back to the process that was used in the past, which was what was used in this case.

Council Member Dunbar asked how many individuals originally applied for the open positions?

Judge Riojas said he believed it was 16 or 20. He did not recall the exact number, as the original applications were actually submitted last fall. But he was recalling at least 16, and maybe as many as 20. That was the best of his recollection.

Council Member Dunbar stated she did not know how the governing body wanted to proceed on this item, but said she was very uncomfortable with this. She said that she personally would have to vote "no". She noted to Judge Riojas that they forwarded six names to the commission, with six openings, and asked him if that was correct?

Judge Riojas responded "no", that there was an unlimited number of openings. There were no set numbers; it depended on how many were used. He added that these people were only paid when they used them. The best analogy he could use was that they were like substitute teachers. He could have 20 or 30 people on the list, but practically he said you'd want to have a small number, because they were not called in as often. He noted that if they did not use people often, they did not tend to be available and he needed these people to be available when he called them.

Mayor Pro Tempore Ronstadt recognized Council Member West.

Council Member West said that since there seemed to be some confusion about the process of appointing special magistrates, she wondered if this issue could go back to the good government subcommittee for some clarification. She did not know how urgent it was to appoint the special magistrates this evening and mentioned that she thought that three were just appointed recently.

Judge Riojas responded “no”, that the only one appointed recently was Judge Wright, and they used him specifically in one particular function. He said he needed the six judges. He used two right now and one was about to be pre-empted and taken over to Sahuarita. He would therefore be down to one special magistrate who would only be available on a part time basis. He reiterated that he needed these six. Judge Riojas requested that the mayor and council approve these six, and if the council wished, they could reopen the process and anyone else who was interested could apply, if that was what the council wished. But he did need these six and he needed these six as soon as possible.

Council Member West indicated that she thought Council Member Ibarra was interested in making a motion; but said that, as part of the motion, she would like to see that this process of selecting the special magistrates go back to the good government subcommittee, so the process could be worked out. She said that if there were 23 applicants, that was quite a few. If that was the responsibility of the city magistrate merit selection commission, then so be it. However, she was not hearing that this was the way it was done in the past. She felt there was a need for clarification on this process, so that it was done in a better way and so that the mayor and council had a better understanding of it. Obviously, she added, the council did not have a clear understanding of the process.

Judge Riojas agreed and said that if the council requested, he had no problem in presenting the process to the good government subcommittee for review. But as he said earlier, this was the process that had been used in the past. If the council had concerns and wished to modify the process, he had no problem with that, but again he indicated that he needed the six special magistrates.

Mayor Pro Tempore Ronstadt said that, because he sat on the good government subcommittee, he was quite fatigued by the whole city magistrate selection process. He noted that the council had already remanded this whole issue to the magistrate selection commission for their review and recommendations. Instead of having it go back to the good government subcommittee, he said he preferred to have it go straight to the city magistrate merit selection commission and that way they could make all recommendations at one time for the council to act on. That was his preference.

Mayor Pro Tempore Ronstadt recognized Council Member Leal.

Council Member Leal said he just wanted to say that when they had openings in city departments, they did not ask the department heads to review all the applications and send the finalists they were interested in to the human resources department. That was essentially what he thought was happening in this case. It seemed backwards to him, and thought that it would be more consistent if all the applicants were sent to the city magistrate merit selection commission. From them, a list of recommendations would go to the council. He added that it might be the case that historically it had not been done that way, but maybe at this point that had become beside the point.

It was moved by Council Member Leal that the interested parties' applications be forwarded to the merit selection commission so that they could do the work they do and send their recommendations forward.

(Several spoke at once.)

Motion died for lack of a second.

Judge Riojas wanted to mention that he believed the current ordinance allowed that the presiding judge of superior court forward the names to the merit selection commission. As he recalled, that was what the current ordinance provided for the appointment of special magistrates. This was basically what had occurred. Judge Leonardo forwarded the names to the merit selection commission and that is how the current ordinance was written, as he recalled. He said he did not have the ordinance in front of him. He added that at the good government subcommittee meeting, he initially made a request to change the process where the merit selection commission was completely taken out of the process, for the sake of expediency. But because of concerns raised at that good government subcommittee meeting, he withdrew that request to change the ordinance.

Mayor Pro Tempore Ronstadt said this was all coming back to him now. He said there were concerns expressed by Council Member Dunbar that this process allowed the superior court judge's friends to be appointed to these positions without any scrutiny by the city magistrate merit selection commission. That was why the good government subcommittee rejected the notion of just allowing the presiding judge of superior court to scoot those guys through. He thought that what Council Member Leal suggested was what the good government discussed, which was having scrutiny of applicants who were applying for these positions. He thought that the motion Council Member Leal suggested was on target with what the good government subcommittee discussed.

Mayor Pro Tempore Ronstadt said that at this point, he thought there were two issues. One was the ordinance in getting six special magistrates on line and the second issue was how to move forward in the future on this process. He said the council needed to decide whether or not they wanted to pass the ordinance tonight or begin a process that forced all applicants through the city magistrate merit selection commission for scrutiny.

It was moved by Council Member Ibarra, seconded by Council Member West, to pass and adopt ordinance 9952, with the condition that Judge Riojas come back to the council with a process that the mayor and council was talking about, where all applicants were forwarded, as they had looked at. From there, the council could attack it, whether they wanted to send it to the good government subcommittee or if they wanted to then send it to the city magistrate merit selection commission. He said he thought the most important thing to do right now was to pass the ordinance and then give the judge the opportunity to realize what the council was saying and come back with a plan of action that was going to work.

Mayor Pro Tempore Ronstadt asked if there was any further discussion.

Council Member Leal asked for clarification of the motion, which he thought was to appoint the people that had gone through the process they were disagreeing with and then tell staff to come forward with a reformed process.

Council Member Ibarra said that what he was saying was to give the judge the judges that he needed. If they sat there and bogged it down for a few more weeks, which was going to happen, he would be short-handed. What that meant was that the council would be getting phone calls at their office talking about going to city court and having to wait four, five, six hours to get a parking ticket taken care of, which they wanted to pay to begin with. The question would then become does the council make it harder for constituents to address their issues in city court,

because the council wanted to address this issue, or does the council allow the judge to have his judges and then work together on solving the bigger problem?

Mayor Pro Tempore Ronstadt asked for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, and Scott

Nay: Council Members Dunbar, Leal; and Mayor Pro Tempore Ronstadt

Absent/Excused: Mayor Walkup

Motion failed by a roll call vote of 3 to 3

Council Member Dunbar asked for permission to explain her vote. She said although she recognized many of the names before the council, because she had been on the commission for a long time, this was a body that talked about being open and transparent. She said they were catering to the court right now. She said the whole process was wrong. It was absolutely, positively wrong. She asked why they had the city magistrate merit selection commission, if they were not going to utilize them? For this reason, she voted “no”.

Mayor Pro Tempore Ronstadt asked if there was another motion.

Council Member West said that then they should remand it back to the city magistrate merit selection commission for their perusal.

It was moved by Council Member Leal to forward the 23 names forwarded to the city magistrate merit selection commission and have them make the recommendations to move forward.

Michael House, city attorney, said that if this contradicted the current ordinance, they would not be able to act as the council was suggesting. The ordinance would first have to be amended. Mr. House said it would have to be brought back to the council to determine what they wanted to do. If as the judge was saying, that the current ordinance required that the presiding magistrate forward the names to the committee, then they just could not go around that.

Council Member Ibarra asked Mr. House how long that would take, just out of curiosity?

Mr. House responded that it would be up to when the council wanted to schedule this discussion. He said he assumed that they would want to put it on a study session and then have an ordinance that would follow up on that.

Council Member Ibarra said that then it would probably take at least two weeks, because it would have to go to study session and then go to regular session. He said that his question was the fact that the judge was already short on judges and they were then making it harder on the judges and more importantly, harder on their constituents. He said that if that was the way the council wanted to go as a majority, it was their choice.

Council Member Dunbar asked Mr. House what the difference was in forwarding six names to the commission, or forwarding 15 or 23 names?

Mr. House said that he had not looked at the ordinance because it was not brought up before the meeting. However, if Judge Riojas was correct, the difference was if the ordinance required that the chief magistrate forward the names. He could forward more than six if he felt he needed more than six, but apparently he only needed six judges at this time.

Council Member Dunbar noted that Judge Riojas said he needed more than six. They just heard that. So again, she asked what the difference was in forwarding six, seven, or thirteen names? She did not understand what the difference was.

Judge Riojas said there really was no difference in how many names were forwarded to the city magistrate merit selection commission. He wanted to note the correction that it was the presiding judge of superior court that forwarded the names, not him. There was no difference in how many; it was just the amount of work that the merit selection commission would go through. He might end up with a larger group than he could really use and so some might be appointed and never be used. The reason six names were submitted was because it was a much more usable number of people. Those six people would be more likely to be used on a regular basis. If he had 20 names, he probably would still only use six. So, in essence, because the people are called in as needed, 14 of them would never be used and it would be a waste of their time. In answer to Council Member Dunbar's question, he said there really was no difference in forwarding twenty or six names.

Council Member Dunbar asked why, when the names were forwarded to the commission, why was the commission not going through and selecting out of the pool?

(Several responded at once.)

Council Member West responded that the ordinance did not say that.

Mr. House said that, without having the ordinance in front of him, it required that the presiding judge of superior court forward the names to the committee for their consideration. It did not provide for the entire pool to go forward, unless that was what the chief presiding judge of superior court wished to do.

Mayor Pro Tempore Ronstadt suggested an action to take. He said they could schedule this for the next study session and if they put a little stress on staff, also schedule possible ordinance adoption for study session and regular. He thought that generally speaking, staff had heard the council in terms of what it wanted. He asked Mr. House if that was possible?

Mr. House said yes, assuming that the council wanted an ordinance on the regular agenda on the same date as the study session. So, the ordinance that was being suggested would be one where the names of everyone who applied would go to the committee and they would decide which individuals would be appointed.

Mayor Pro Tempore Ronstadt added that the court could identify a number of individuals needed and the city magistrate merit selection commission could forward that number of names to mayor and council.

Mr. House said that one problem with having it on the same agenda was that he would not know exactly what the form of the ordinance would be. There seemed to be some variations on how this could work. They could try their best, but he thought that would pose a bit of a problem.

Council Member West asked why not have it on study session one week and then on the regular agenda the next week, and asked if that would work?

Mayor Pro Tempore Ronstadt said that would work too, he was just trying to address the concerns.

Council Member West said she understood, but at the same time, if all the judges, 11 or 12.

Judge Riojas responded that there were 13 judges, including him.

Council Member West continued that if the judges were told they could not be sick, they could not take vacation, they would have to be at work every day getting the job done, because she thought she voted that special magistrates were only used on special cases. She knew that things came up, but she preferred that the special magistrates be used only as a last resort. She added that she felt that most of the council members felt that way. So, she thought it might be a couple of weeks before this could be sorted out, particularly in light of the ordinance.

Council Member Ibarra said he had one quick question for Judge Riojas. He asked if the pool was recommended to be larger, as many as six or eight, once they were in the pool, were they paid?

Judge Riojas responded “no”, they were only paid as they were used. The only expense would be perhaps if they were paid in the course of training. Some would need training more than others to show them how to do specific procedures. That would be the only expense, other than when they were actually used.

Council Member Dunbar asked to make another comment. Again, she questioned why they had only six positions and only six names were forwarded to the commission. She thought that maybe the council might want to bypass this, or they maybe it was something that the council needed to look at, but again she questioned why? She said that maybe the council would want to look at that as well. Maybe this would be only for special magistrates, or just pass up the commission. Commission members had to spend their time; they had to come to meetings; they had to have a quorum to look at six people for six positions.

Mayor Pro Tempore Ronstadt said he believed the direction the council was providing was to have this item scheduled for next Monday’s study session (May 3), with ordinance adoption in two weeks (May 10). Without objection, he asked to move on to item 12.

Council Member Ibarra said he was going to object, as a “no” vote, just because of the fact that they were presently dealing with a lot of issues with the budget. They were dealing with a lot of significant issues. They had staff looking at every aspect, and now to throw them on another issue, it seemed like they really had to tighten up and focus. He said he understood where people were coming from, but to a large extent, in the end, he said that Judge Riojas was the one that came to them and advised the council that he wanted to fix the process. When the council started going off on the bigger issue, they decided not to address the issue. Therefore, Council Member

Ibarra felt the ordinance should be passed and deal with the process on another day, after more important issues have been dealt with.

Mayor Pro Tempore Ronstadt noted Council Member Ibarra's objection for the record.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Pro Tempore Ronstadt announced that city manager's communication number 202, dated April 26, 2004, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Mayor Pro Tempore Ronstadt appointed Mike Andrews as his personal appointment to the City Attorney Selection Committee.

13. ADJOURNMENT 9:13 p.m.

Mayor Pro Tempore Ronstadt announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, May 3, 2004, at 5:30 p.m., in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 26th day of April, 2004, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:SM:DD:sac
pr agnst tp:bp